

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

21.25

USE OF PFDs

Date Issued: July 3, 2000

I. Background

Questions have been raised about how to apply personal flotation device requirements in both the Safety and Health Core Rules (Chapter 296-800-WAC) and the Longshore, Stevedore, and Related Waterfront Operations standard (Chapter 296-56 WAC). Such PFD requirements exist to protect employees from the danger of drowning when working over or on the water.

This WRD provides guidance regarding the appropriate application of these standards.

II. Scope and Application

This WISHA Regional Directive (WRD) applies to all WISHA enforcement and consultation activities involving the use of personal flotation devices. It replaces any previous guidance on the subject, whether formal or informal.

III. Interpretive Guidance

A. What are the general industry requirements for Personal Flotation Devices (PFDs)?

The basic requirement for PFDs is found in WAC 296-800-16070, which states that employees must wear personal flotation devices (PFDs) when they work in areas where the danger of drowning exists, such as on the water, over the water or alongside the water. The standard is appropriately read to require PFDs only in those cases “where the danger of drowning exists,” and WAC 296-800-16070 provides a list of situations where that danger does not exist (including water that is less than chest deep, work done behind standard guardrails, work inside cabs or stations where accidental falls are not possible, and work done when wearing a lifeline).

Even in situations other than those listed, the requirement to wear PFDs exists only where a determination is made that the danger of drowning exists. As a general principle, work that requires an employee’s concentrated attention (maintenance, repair, construction, etc.) represents such a hazard when it is performed on, over or along the water and when the employee is not otherwise protected (perhaps by distance) from falling into the water.

Walking on docks does not, by itself, represent such a hazard and PFDs are not required for employees using a float or dock as a passageway unless additional circumstances create a hazard of drowning. Such circumstances might involve consideration of any loads carried and their weight, obstructions on the dock minimizing the space available for safe passage, tripping hazards, weather conditions, etc.

B. What are the requirements for use of PFDs under WAC 296-56?

In addition to repeating the general industry requirements, WAC 296-56-60115(2) requires that the employer provide PFDs for employees such as line handlers who may fall into the water *if* they are working in isolation, the physical work space creates a hazard of falling into the water, or the work area is obstructed by cargo or other obstacles, preventing safe footing. This language makes it clear that not all such employees working near the water are presumed to be at a risk of drowning.

With the exception of line handlers and comparable employees, the requirements of WAC 296-56 are consistent with WAC 296-800-16070 and must be interpreted and applied in the same manner.

IV. Special Inspection Protocol

WISHA enforcement and consultation staff are expected to clearly document the circumstances that demonstrate a danger of drowning whenever they determine that a violation of WAC 296-800-16070 or a violation of WAC 296-56-60115(2) has occurred. WISHA staff are encouraged to contact the maritime specialist in WISHA Policy & Technical Services when faced with unusual applications of the standard.

Approved: _____

Michael Wood, Senior Program Manager
WISHA Policy & Technical Services

For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You may also review policy information on the WISHA Website (www.lni.wa.gov/wisha/).